

### **REMARKS/ARGUMENTS**

The action by the Examiner of this application, together with the cited references, has been given careful consideration. Following such consideration, claims 1, 13, 45, and 58-59 have been amended to define more clearly the patentable invention applicant believes is disclosed herein. Claims 8-9, 20-21, 25-44, and 55-57 have been canceled. Claims 2-7, 10-12, 14-19, 22-24, 46-54, and 60 are unchanged by the present amendment paper. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

The Examiner has restricted the application to two distinct inventions. The applicant hereby affirms election to prosecute the invention of Group I, claims 1-24 and 45-60. Claims 25-44 have now been canceled.

The Examiner has rejected claims 1-7, 10-24, 45, 54, and 57-60 on the basis of prior art. In particular, the Examiner has cited U.S. Patent No. 5,352,574 to Guiseppi-Elie; U.S. Patent No. 5,651,922 to Nahass et al.; and U.S. Patent No. 5,145,645 to Zakin et al. However, the Examiner has indicated *allowable subject matter* with regard to claims 8, 9, 55, and 56.

In order to expedite prosecution of the present application, independent claims 1, 13, and 45 have been amended in view of the Examiner's comments regarding the allowable subject matter. In particular, claim 1 now defines "means for generating an electrical current that passes through the sensing element, said electrical current heating the electroactive material." Independent claims 13 and 45 now recite the step of "passing an electrical current through the sensing element to measure an electrical property of the electroactive material, wherein the electrical current causes heating of the electroactive material."

It is respectfully submitted that independent claims 1, 13, and 45, and their respective dependent claims, are now patentable over the cited references.

The cited references made of record and not relied upon have also been reviewed. It is respectfully submitted that none of these additional references teaches or suggests the applicant's invention as defined by the present claims.

In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters


that need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

It should be noted that an **Information Disclosure Statement (IDS)** accompanies this Response. The identified references were cited in the corresponding PCT application. The Examiner is respectfully requested to consider the references cited therein.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. ST8010US.

Respectfully submitted,

Date: May 24, 2005

  
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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 24, 2005

  
Name: Laura K. Cahill